

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
HELENA DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAMES ANTHONY ANDREW  
WESTERMAN,

Defendant.

**CR-15-14-H-BMM**

**ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on February 21, 2024. (Doc. 88.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on February 20, 2024. (Doc.84.) The United States accused James Westerman (Westerman) of violating

his conditions of supervised release 1) by failing to report to his probation officer as directed on two separate occasions; 2) by failing to follow the instructions of his probation officer on three separate occasions; 3) by failing to report for sex offender treatment; and 4) by committing another crime. (Doc. 83.)

At the revocation hearing, Westerman admitted to having violated the conditions of his supervised release by failing to report to his probation officer as directed. The Court dismissed alleged violations 2, 3, 4, 5, 6 and 7 on the Government's motion. (Doc. 84.) Judge Johnston found that the violation Westerman admitted is serious and warrants revocation of his supervised release and recommends a sentence until 12:00 p.m. (noon) on March 1, 2024, with 30 months of supervised release to follow. (Doc. 88.) Westerman was advised of his right to appeal and allocute before the undersigned and waived those rights. (Doc. 89.) The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 88) are **ADOPTED IN FULL. IT IS FURTHER ORDERED** that Defendant James Anthony Andrew Westerman be sentenced to the Bureau of Prison until 12:00 p.m. (noon) on March 1, 2024 with 30 months of supervised release to follow.

DATED this 27th day of February, 2024.

A handwritten signature in blue ink, reading "Brian Morris". The signature is written in a cursive style with a horizontal line extending from the end of the name.

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Brian Morris, Chief District Judge  
United States District Court